

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BILL LIETZKE,
Plaintiff

v.

BOBBY BRIGHT, et al.,
Defendants

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CIVIL ACTION NO. WDQ-07-872

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2:07-CV-324-WHA

MEMORANDUM

On April 5, 2007, Plaintiff, a resident of Montgomery, Alabama, filed the instant 42 U.S.C. § 1983 action for damages complaining that Defendants Bobby Bright, Art Baylor and the City of Montgomery, Alabama violated his rights under the Fourth Amendment. Paper No. 1. Assuming, *arguendo*, that there is federal subject matter jurisdiction over the claims presented herein and, if so, that they are not barred by the statute of limitations, the Court deems it appropriate to transfer the instant action pursuant to 28 U.S.C. § 1406(a).¹

Under 28 U.S.C. § 1391(b), a civil action that is not founded solely on diversity of citizenship may be brought only in: (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred....., or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. It appears that the actions about which Plaintiff complains occurred in Montgomery, Alabama and that Plaintiff and all Defendants reside in Montgomery, Alabama. Accordingly, venue is not proper in this Court and this case shall be transferred pursuant to 28 U.S.C. § 1406(a) to the United States District Court for

¹In so ruling, this Court will not preliminarily scrutinize the merits of Plaintiff's complaint against the named parties.

the Middle District of Alabama for all further proceedings.²

April 13, 2007

Date

/s/

William D. Quarles, Jr.,
United States District Judge

²Plaintiff has filed a Motion to Proceed In Forma Pauperis, with accompanying affidavit. Because the matter is being transferred to the United States District Court for the Middle District of Alabama, this Court deems it appropriate to leave such determination and/or assessment with that Court.